

SENATE RECORD VOTE ANALYSIS

104th Congress
2nd Session

Vote No. 171

June 26, 1996, 1:16 p.m.
Page S-6945 Temp. Record

CHURCH ARSON PREVENTION ACT/Final Passage

SUBJECT: Church Arson Prevention Act of 1996 . . . H.R. 3525. Final passage, as amended.

ACTION: BILL PASSED, 98-0

SYNOPSIS: As passed, H.R. 3525, the Church Arson Prevention Act of 1996, will amend the primary Federal statute dealing with the destruction of places of worship in order to make it easier to prosecute such cases. It will also double the maximum penalty to 20 years, and will increase the statute of limitations to 7 years. If anyone is injured in such a crime using fire or an explosive, the maximum penalty will be 40 years. To assist the victims, the Secretary of Housing and Urban Development (HUD) will be authorized to use existing funds to make guaranteed loans to rebuild churches that have been damaged by acts of arson or terrorism, and church arson victims will be eligible to apply for aid under the Victims of Crime Act. To assist law enforcement, the Department of the Treasury will be authorized to hire additional law enforcement officers to investigate attacks on churches and to train State and local officers in arson investigations. To help prevent future acts of arson, the Department of Justice will be authorized to provide additional funds to the Community Relations Service, which works to reduce community racial tensions. The bill will also reauthorize the Hate Crime Statistics Act for 6 years. Finally, it is the sense of Congress that Congress: commends those individuals and entities that have responded with funds to assist in the rebuilding of places of worship that have been victimized by arson; and encourages the private sector to continue these efforts so that places of worship that are victimized by arson, and their affected communities, can continue rebuilding. The bill will make the following findings:

- the incidence of arson or other destruction or vandalism of places or religious worship, and the incidence of violent interference with an individual's lawful exercise or attempted exercise of the right of religious freedom at a place of religious worship pose a serious national problem;
- the incidence of arson of places of religious worship has recently increased, especially in the context of places of religious worship that serve predominantly African-American congregations;
- changes in Federal law are necessary to deal properly with this problem;
- although local jurisdictions have attempted to respond to the challenges posed by such acts of destruction or damage to religious

(See other side)

YEAS (98)				NAYS (0)		NOT VOTING (2)	
Republican (53 or 100%)		Democrats (45 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (0)	Democrats (2)
Abraham	Helms	Akaka	Johnston				Bumpers- ²
Ashcroft	Hutchison	Baucus	Kennedy				Heflin- ²
Bennett	Inhofe	Biden	Kerrey				
Bond	Jeffords	Bingaman	Kerry				
Brown	Kassebaum	Boxer	Kohl				
Burns	Kempthorne	Bradley	Lautenberg				
Campbell	Kyl	Breaux	Leahy				
Chafee	Lott	Bryan	Levin				
Coats	Lugar	Byrd	Lieberman				
Cochran	Mack	Conrad	Mikulski				
Cohen	McCain	Daschle	Moseley-Braun				
Coverdell	McConnell	Dodd	Moynihan				
Craig	Murkowski	Dorgan	Murray				
D'Amato	Nickles	Exon	Nunn				
DeWine	Pressler	Feingold	Pell				
Domenici	Roth	Feinstein	Pryor				
Faircloth	Santorum	Ford	Reid				
Frahm	Shelby	Glenn	Robb				
Frist	Simpson	Graham	Rockefeller				
Gorton	Smith	Harkin	Sarbanes				
Gramm	Snowe	Hollings	Simon				
Grams	Specter	Inouye	Wellstone				
Grassley	Stevens		Wyden				
Gregg	Thomas						
Hatch	Thompson						
Hatfield	Thurmond						
	Warner						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

property, the problem is sufficiently serious, widespread, and interstate in scope to warrant Federal intervention to assist State and local jurisdictions;

- Congress has authority, pursuant to the Commerce Clause of the Constitution, to make acts of destruction or damage to religious property a violation of Federal law; and

- Congress has authority, pursuant to section 2 of the 13th amendment to the Constitution, to make actions of private citizens motivated by race, color, or ethnicity that interfere with the ability of citizens to hold or use religious property without fear of attack violations of Federal criminal law.

Those favoring final passage contended:

This Act will respond forcefully to the recent spate of church burnings, including by increasing Federal church arson penalties, strengthening Federal, State, and local law enforcement efforts, and guaranteeing that funds will be available to rebuild churches that have been burnt. Our expectation is that in most cases local and State law enforcement officials will be able to apprehend and punish the arsonists who are responsible for these cowardly attacks, and it is also our expectation that Federal funds will not be needed to rebuild these churches because people across the country are raising funds for that purpose. However, this bill will guarantee that to the extent that local and State officials need assistance, and to the extent any additional funds are needed to rebuild churches, that assistance and those funds will be provided.

Perhaps more importantly, this bill will send a clear message that people of faith will not stand for this type of violence. Senators Faircloth and Kennedy worked together in drafting this bipartisan legislation in order to demonstrate that America's commitment to protect houses of worship crosses philosophical and geographical boundaries; America is united in this effort. Many of these recent church burnings have been racially motivated. More than 30 churches in the Southeast with predominantly African-American congregations have been burned. These burnings, for the most part, appear to be random, individual attacks rather than a concerted effort of terror by racist organizations.

As we move into the 21st century, the vast majority of Americans can no longer be seduced by the messages of hate and conflict which consumed earlier generations. Those messages lost their power with the moral victory of the civil rights movement, and our country matured in ways which cannot be undone by racist terrorism. Americans are not intimidated by these church burnings, they are embarrassed, and they are determined to bring them to a halt. With this bill, the Federal Government will do its part to stop these arsonists. We are confident that all Senators will join us in voting in favor of final passage.

No arguments were expressed in opposition to final passage.